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DONALD THORN

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

Case No.: 13-10923-AJ-7

Javier Agusto and Heidi Erica Alvarez

A.P. No.: 13-01103

Debtors./

Donald Thorn

Plaintiff.

v

**PLAINTIFF DONALD THORN'S
MOTION FOR SUMMARY JUDGMENT**

Date: April 4, 2014

Time: 9:00 a.m.

Place: 99 South E Street

Santa Rosa, California

Javier Agusto and Heidi Erica Alvarez

**A.P. Filed: August 6, 2013
Trial Date: September 17, 2014**

Judge: Alan Jaroslovsy

Plaintiff Donald Thorn hereby moves the United States Bankruptcy Court in and for the

Northern District of California for summary judgment in his favor finding that under the holding

of In re Lopez (2007) 367 B.R. 99 and California Civil Code § 3426.4 set forth within the

accompanying memorandum of points and authorities in support of this motion for summary

judgment that the June 22, 2012 judgment and the October 10, 2012 amended judgment in

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1 Sonoma County Superior Court case number SCV-246852 are not dischargeable as a matter of
2 law under 11 U.S.C. § 523(a)(6).

3 Date: February 20, 2014

SUNDERLAND | McCUTCHAN, LLP

Edward McCutchan

Attorneys for Plaintiff and Judgment Creditor
DONALD THORN



1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SONOMA

3
4 I am employed in the County of Sonoma, State of California. I am over the age of 18 and
5 not a party to the within action; my present address is: 412 Aviation Boulevard, Suite D, Santa
6 Rosa, California 95403.

7 On February 20, 2014, I served the foregoing document described as **PLAINTIFF**
8 **DONALD THORN'S MOTION FOR SUMMARY JUDGMENT** on the parties by placing a
9 true copy thereof enclosed in a sealed envelope addressed as follows:

10
11 **SEE ATTACHED SERVICE LIST**

12
13 XX By Regular U.S. Mail. The documents were placed for collection and mailing following
14 ordinary business practice for deposit in the United States Postal Service in a sealed envelope with
15 postage thereon fully prepaid, addressed as stated above.

16 _____ By personal service. I caused each such envelope to be delivered by hand to the
17 addressee(s) as stated above.

18 _____ By facsimile transmitted from (707) 284-5527. The document transmission was reported as
19 complete and without error.

20 _____ By email or electronic transmission. I caused the document to be sent to the persons at the
21 email addresses listed below. I did not receive within a reasonable time after the transmission any
22 electronic message or other indication that the transmission was unsuccessful.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct and that this declaration was executed on February 20 2014, at Santa Rosa,
25 California.

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27
28 
Kathleen M. Dahl

1 In re: Javier Agusto Alvarez, Heidi Erica Alvarez
2 United States Bankruptcy Court Case No.: 13-10923-AJ-7

3 Attorneys for Defendants/Debtors: Javier Agusto Alvarez and Heidi Erica Alvarez
4

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